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March 16, 2021

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VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
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DATE FILED: March 17, 2021

Re: *Brown v. Kellogg Sales Company*, Case No. 1:20-cv-7283-ALC
Request for Extension of Deadline to File Motion to Dismiss

Dear Judge Carter:

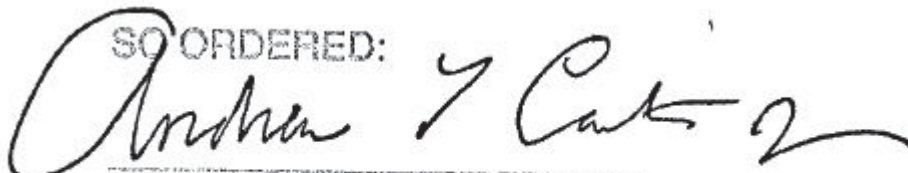
MEMO ENDORSED

I write on behalf of Defendant Kellogg Sales Company to request a 21-day extension (from March 26, 2021 to April 16, 2021) of Kellogg's deadline to file a motion to dismiss Plaintiff's First Amended Complaint. Kellogg seeks an extension so it can more fully analyze and address the new allegations set forth in Plaintiff's First Amended Complaint, including but not limited to Plaintiff's new allegation that the labeling of Kellogg Frosted Strawberry Pop-Tarts falsely suggests they are healthy.

This is Kellogg's first request for an extension of time, and this extension will affect no other dates set by Court order. I have consulted with Plaintiff's counsel, Spencer Sheehan, who has advised that Plaintiff consents to this request.

Respectfully submitted,

/s/ Alexander M. Smith

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

March 17, 2021